

BEFORE THE HEARING PANEL OF THE  
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE,  
HON. RALPH E. ERIKSSON,  
CASE NO. 07-64

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SC CASE NO. 07-1648

**MOTION IN LIMINE TO PRECLUDE THE ADMISSION  
OF IRRELEVANT EVIDENCE SUGGESTING JUDGE ERIKSSON  
ENGAGED IN CONDUCT THAT WAS OFFENSIVE TO THE  
SENSIBILITIES OF THE HEARING-IMPAIRED**

**RALPH E. ERIKSSON**, County Court Judge, by and through his undersigned counsel, files this *in limine* motion to preclude the Judicial Qualifications Commission from putting on irrelevant evidence designed to suggest that Defendant Daniel Bradshaw was subjected to disrespectful treatment on account of his purported hearing deficit. As grounds, Judge Eriksson alleges:

1. At paragraph 2 of the Amended Notice of Formal Charges it is alleged that Judge Eriksson vindictively increased the bond conditions of Mr. Daniel Bradshaw, the defendant in State v. Daniel Bradshaw, on April 3, 2006, for exercising his right to maintain his plea of not guilty.
2. The JQC, through its Associate General Counsel, Michael Schneider, Esq., has indicated an intention to seek the introduction of a written statement from a Mr. Christopher D. Wagner, as President of

the Florida Association of the Deaf, expressing his view that Judge Eriksson acted offensively toward Mr. Bradshaw during the court proceeding of April 3, 2006. The undersigned represented that he would not object to the introduction of the letter in lieu of live testimony, assuming a hearing panel judge rules the evidence is deemed relevant.

3. That the JQC's evidentiary offer, as it relates to Mr. Wagner, is apparently based on having shown Mr. Wagner a DVD of the April 3, 2006 court proceeding wherein Defendant Bradshaw indicated he was having difficulty hearing the judge—and Judge Erikson responded by cupping his hands to his mouth and raising his voice somewhat to directly ask Mr. Bradshaw "Can you hear me now?"

4. That the JQC's evidentiary offer of Mr. Wagner's statement or testimony is irrelevant and should be excluded.

5. Rule 14, FJQCR, provides that at the hearing before the Hearing Panel, "...legal evidence only shall be received..."

6. That Mr. Wagner's statement of opinion about the "appropriateness" of how Judge Eriksson responded to Defendant Bradshaw's assertion of being unable to hear the judge fails to meet the definition of relevant evidence under Fla. Stat. s. 90.401 because it does not tend to prove or disprove a material fact, i.e., whether Judge Eriksson

vindictively increased Bradshaw's bond to punish him for wanting to persist in his plea of not guilty. Evidence which is irrelevant is inadmissible under Fla. Stat. s. 90.402.

7. That Mr. Wagner's statement of opinion, offered presumably as an "expert" on how a hearing-impaired person should be addressed, also lacks admissibility under Fla. Stat. s. 90.702 because the testimony fails to appreciably assist the trier of fact in determining a fact in issue, or in understanding the evidence. The Hearing Panel members hardly need the "assistance" of Mr. Wagner's opinion to determine for themselves whether Mr. Bradshaw was or wasn't treated with respect and courtesy at the hearing.

8. This motion is filed in good faith.

WHEREFORE, Judge Eriksson requests the entry of an Order which precludes the JQC from introducing irrelevant and improper "expert" evidence in the form of testimony or a written statement provided by Mr. Wagner.

Respectfully submitted this 3rd day of December, 2008.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been delivered by  
Federal Express delivery this 3rd day of December, 2008, to:

Judge Thomas B. Freeman  
Chairman, Hearing Panel,  
Florida Judicial Qualifications Commission  
Criminal Justice Center  
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